



Inspection of Towing Vessels Rule Making; Request for Comments

REF: *Federal Register*, Vol. 69, No. 250, Thursday, December 30, 2004

OVERVIEW: The Coast Guard and Maritime Transportation Act of 2004 (the Act) directs that the Coast Guard to develop regulations for the inspection towing vessels. The Act requires that an appropriate safety management system be incorporated into the regulations for towing vessels. The Coast Guard is seeking public and industry comments for assistance in crafting these regulations.

SPECIFIC QUESTIONS: The Coast Guard is looking for feedback in particular on the following questions:

- (1) Towing vessels of a certain size (300 or more gross register tons) are already inspected vessels and are subject to a variety of existing requirements. Should the Coast Guard use any of these existing standards (or standards for other types of inspected vessels) for incorporation into the new regulations regarding the inspection of towing vessels? If so, which regulations or standards should be incorporated into these new regulations?
- (2) Title 46, United States Code, specifies the items covered with regard to inspected vessels including lifesaving, firefighting, hull, propulsion equipment, machinery and vessel equipment. However, the legislation that added towing vessels to the list of inspected vessels, authorized that the Coast Guard may prescribe different standards for towing vessels than for other types of inspected vessels. What, if any, different standards should be considered with regard to inspected towing vessel requirements from other inspected vessels?
- (3) Towing vessels vary widely in terms of size, horsepower, areas of operation, and type of operation. Under what circumstances, if any, should a towing vessel be exempt from the requirements as an inspected vessel?
- (4) Should existing towing vessels be given time to implement requirements, be "grandfathered" altogether from them, or should this practice vary from requirement to requirement?
- (5) Should existing towing vessels be treated differently from towing vessels yet to be built?

- (6) The same act that requires inspection of towing vessels authorizes the Coast Guard to develop a safety management system appropriate for the towing vessels. If such a system is developed, should its use be required for all inspected towing vessels?
- (7) Examples of existing safety management systems include the international safety management (ISM) code and the American Waterways Operators Responsible Carrier Program. If a safety management system is used, what elements should be included in such a system?

OPPORTUNITY: Recently, the issue of how to properly and legally manage the delivery of fuel to on-station industrial vessels from tug/tow vessels was raised. It became apparent that the matter was handled differently throughout the U.S. by different Captains-of-the-Port/Officers-in-Charge, Marine Inspection. This rule making comment period is the perfect opportunity to ensure that a nationally consistent regulation be established. The "tug as tanker" issue is best suited in response to questions (1) and (2). The local industry is encouraged to submit comments to the docket, to also include addressing tugs delivering fuel to work/industrial vessels.

SUBMITTING COMMENTS: Comments and related material must reach the Docket Management Facility on or before March 23, 2005. Comments must include your contact information, reference docket number USCG-2004-19977, and identify the question(s) you are responding to and clearly detail your position. In order to avoid duplications, please use only one of the following methods:

- (1) Web site: <http://dms.dot.gov>
- (2) Mail: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590-0001
- (3) Fax: 202-493-2251
- (4) Delivery: Room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.
- (5) Federal eRulemaking Portal: <http://www.regulations.gov>



FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, contact Thomas Scott Kuhaneck, Domestic Vessel Compliance Division (G-MOC-1), U.S. Coast Guard, telephone (202) 267-0240, or e-mail: TKuhaneck@comdt.uscg.mil. If you have questions on viewing or submitting material to the docket, call Andrea M. Jenkins, Program Manager, Docket Operations, telephone (202) 366-0271.

Local Point of Contact: LCDR Paul Arnett at (718) 354-4289.

MTSA Compliance Update: Alternative Security Plan (ASP)

Operators participating in an approved ASP are reminded to ensure that their ASP remains in good standing. Many ASPs require that the vessel owner/operator be an active member of the organization in good standing. The ASP organizations provide various certificates stating that the ASP remains valid. The Coast Guard will request to see validity documentation for ASP holders during boardings and inspections. Please ensure these documents are up to date and available for review onboard your vessel(s).

MARAD: MTSA Security Training Course

The MARAD announced in Federal Register Vol. 70, No. 25, Tuesday, February 8, 2005 a voluntary program for approval of MTSA maritime security training courses. Training providers wishing to apply for approval should access the program details via the MARAD website at: <http://www.marad.dot.gov/MSTCourses/MTSA109maradwebpg.htm>.

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